

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
*Plaintiff,*

**NOTICE OF MOTION**

**v.**

Case No: 20-cr-00195(JLS)(JJM)

DAVID RUBEL,  
*Defendants.*

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**S I R S :**

PLEASE TAKE NOTICE that upon the annexed affidavit Herbert L. Greenman, Esq., the undersigned moves this Court for an Order extending by 60 days upon which the defense must file motions for reasons set forth in the affidavit annexed hereto and made a part hereof together with such other and further relief as to this Court may deem just and proper.

DATED: Buffalo, New York  
February 19, 2021

Respectfully submitted,

/s/Herbert L. Greenman

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HERBERT L. GREENMAN, ESQ.  
LIPSITZ GREEN SCIME  
CAMBRIA, LLP  
Counsel for Defendant  
DAVID RUBEL  
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TO: MEGHAN TOKASH, ESQ.  
ASSISTANT UNITED STATES ATTORNEY  
138 Delaware Ave.  
Buffalo, NY 14202

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
Plaintiff,

v.

**AFFIDAVIT**  
Case #20-cr-00195(JLS)(JJM)

DAVID RUBEL  
Defendants.

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STATE OF NEW YORK                    )  
COUNTY OF ERIE                    SS:  
CITY OF BUFFALO                    )

HERBERT L. GREENMAN, Esq. being duly sworn deposes and says:

1. I am an attorney for the defendant David Rubel.
2. By order of United States Magistrate Judge Jeremiah J. McCarthy motions are scheduled to be filed by February 19, 2021.
3. The parties have engaged in substantial plea negotiations. It was thought that a plea agreement had been agreed to but there are a number of issues which still must be addressed. We expect that the matter will be resolved within the next 60 days.
4. As a consequence, the parties are respectfully requesting that the defense be given an additional 60 days within which to file motions.
5. Assistant United States Attorney Meghan Tokash has no objection to this request.
6. The parties agree that the speedy trial time should be excluded on the basis that the interest of the defendant and the community in a speedy disposition of this case is

outweighed by this request.

WHEREFORE, your deponent prays that this Court rule accordingly.

DATED: February 19, 2021  
Buffalo, New York

Respectfully submitted,

/s/Herbert L. Greenman

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Sworn to before me this 19<sup>th</sup> day  
Of February, 2021

/s/Elizabeth M. Jagord-Ward

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Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires October 31, 2022